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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

Todd Heichel, Rudy Castro, Justin
Garmendia, Joshua Holgate and Randi
Pitts, Each Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

Tri City Transport, LLC, SWWOOP,
LLC, and Michael Butler,

Defendants.

NO. 2:22-cv-1513-PHX-SMM

**DECLARATION OF
KARLY HERNANDEZ**

I, Karly Hernandez, do hereby swear, affirm, and attest as follows, based upon
my personal knowledge of the matters contained herein:

1. My name is Karly Hernandez, and I am over the age of 18 and duly
qualified to execute this declaration.

2. I am a resident and domiciliary of the State of Arizona.

1 3. I was employed by Tri City Transport, LLC, SWWOOP, LLC, and
2 Michael Butler (“Defendants”), from March to November of 2022. Defendants operated
3 a non-emergency medical transport and medical supply delivery business.

4 4. I worked for Defendants as a delivery driver. My employment caused me
5 to drive to various places in Arizona to perform deliveries.

6 5. As a delivery driver, my primary duties were delivering medicine and
7 transporting people to appointments.

8 6. Defendants originally paid me \$1 per mile driven while a client was in
9 the car for the first 3 months and then \$1.10 thereafter, regardless of how many hours I
10 worked each week.

11 7. Defendants did not pay me my paychecks for my final month of work.

12 8. I worked approximately 35 hours per week throughout my employment,
13 except for my last week, in which I only worked five hours.

14 9. I am entitled to the applicable Arizona minimum wage for all hours I
15 worked for Defendants during my final month of work.

16 10. Defendants owe me a total of \$1,856.00 which is shown by a calculation
17 of damages that is submitted as Exhibit 1. I am owed \$5,568.00 in back wages for unpaid
18 overtime premiums and minimum wages, and under the liquidated damages provisions
19 of the Fair Labor Standards Act, I am owed an equal amount in liquidated damages. In
20 addition, under Arizona Revised Statute § 23-355, I am entitled a further equal amount
21 as treble damages.

22

KTB

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Date	Total Estimated Miles	Total Hours	Total Pay	Minimum Wage	IRS Reimbursement Rate	Kickback	Minimum Wage Damages	OT Damages	Total Damages	Treble Damages
3/13/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
3/20/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
3/27/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
4/3/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
4/10/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
4/17/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
4/24/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
5/1/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
5/8/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
5/15/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
5/22/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
5/29/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
6/5/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
6/12/22	800	35	\$800.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
6/19/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
6/26/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
7/3/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
7/10/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
7/17/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
7/24/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
7/31/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
8/7/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
8/14/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
8/21/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
8/28/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
9/4/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
9/11/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
9/18/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
9/25/22	800	35	\$880.00	\$12.80	0.585		\$0.00	\$0.00	\$0.00	\$0.00
10/2/22	801.1	35	\$0.00	\$12.80	0.625		\$0.00	\$448.00	\$0.00	\$448.00
10/9/22	1158.89	35	\$0.00	\$12.80	0.625		\$0.00	\$448.00	\$0.00	\$448.00
10/16/22	505.09	35	\$0.00	\$12.80	0.625		\$0.00	\$448.00	\$0.00	\$448.00
10/23/22	836.93	35	\$0.00	\$12.80	0.625		\$0.00	\$448.00	\$0.00	\$448.00
10/30/22	62.22	5	\$0.00	\$12.80	0.625		\$0.00	\$64.00	\$0.00	\$64.00
							\$1,856.00	\$0.00	\$1,856.00	\$5,568.00